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Chairman: Mr. Zackheos ..... (Cyprus)

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The meeting was called to order at 3.10 p.m.

Requests for hearings

1. **The Chairman** informed the Committee that he had received additional requests for hearings relating to East Timor, contained in documents A/C.4/54/7/Add.2-5. He took it that the Committee wished to grant those requests.

It was so decided.

Agenda item 18: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items) (*continued*)

Hearing of representatives of Non-Self-Governing Territories and petitioners

Question of Guam

2. *At the invitation of the Chairman, Mr. Bordallo (on behalf of the Governor of Guam) took a place at the Committee table.*

3. **Mr. Bordallo**, speaking on behalf of the Governor of Guam, said that, since 1950, the people of Guam had been citizens of the United States of America. Many had served in the United States armed services. His Government maintained an open and direct dialogue with the United States Government. The United States extended many benefits to Guam, and there were many ties between the two countries. Yet, under United States law, Guam was a possession, not a part of the United States; the United States Government made decisions about Guam without its consent, including decisions about immigration and control over land and resources.

4. Over a decade earlier Guam had proposed to the United States Government an interim autonomous status under United States sovereignty, in preparation for a vote by the Chamorro people on their choice for a sovereign self-governing status. The administering Power had finally responded that it would not grant that autonomy under its sovereignty. The colonized Chamorro people had therefore embarked on a path that pushed the process for self-government to a new level; under Guam law, they would vote on Guam's decolonized status before 4 July 2000.

5. The administering Power had indicated that it did not support that process, and Guam was therefore pleased with the consensus language in section VI, paragraph 1, of General Assembly resolution 53/67 B. A vote was planned in July 2000, and Guam appealed for continued support from Member States. For Guam to be decolonized, however, the United States Government must also respond to the wishes of the colonized people. When President Clinton had visited Guam in November 1998 he had expressed openness to hearing the views of the people; however, there was as yet no commitment on the part of the United States Government to the internationally sanctioned self-governing options of free association, independence or full integration on which Guam would vote.

6. Guam had requested the dispatch of a visiting mission to its Territory on the occasion of the vote, and hoped for the support of Member States in that regard.

7. *Mr. Bordallo withdrew.*

8. *At the invitation of the Chairman, Mr. Lujan (Organization of People for Indigenous Rights) took a place at the petitioners' table.*

9. **Mr. Lujan** (Organization of People for Indigenous Rights (OPI-R)) said that, for 17 years, OPI-R had repeatedly attempted to clarify the meaning of the phrase "people of Guam" so as to specify who had the right to self-determination. Since its first report to the United Nations in 1946, Guam's administering Power had cleverly manipulated the term used to identify the people of Guam, giving rise to considerable confusion, to the extent that some might think that all United States citizens residing in Guam, including the United States military, had the right to self-determination and decolonization. Yet it was the people of Guam — the Chamorro people — who had that right. Until the lifting of the United States requirement of security clearance to enter Guam, in 1962, the Chamorro people had been the sole inhabitants of their island. They had their own culture and traditions, language, and history, including 400 years of colonization, 100 years of it under the flag of the United States of America. The Guam Organic Act enacted by the United States in 1950 clearly acknowledged Guam's separate political existence; by virtue of that act, only certain portions of the United States Constitution, treaties and laws were applicable to Guam. Constitutional provisions which were not applicable included the tenth and eleventh amendments, which would limit United States federal authority and provide protection for Guam's laws, and the fourteenth amendment, which would protect the United States citizenship of the inhabitants of Guam. It was ludicrous for the administering Power to use Guam's citizenship status as a means to deny it right to self-determination, or to allege racism when the Chamorro people attempted to exercise that right.

10. With regard to draft resolution VI, appearing in the report of the Special Committee on Decolonization (A/54/23 (Part III)), he was unaware of the position of the United

States Government referred to in the eleventh preambular paragraph, and wished to know whether the phrase "the inhabitants of the Territories under United States administration" meant the inhabitants of the Territories and their descendants since the Charter of the United Nations had been signed. Assimilationist immigration policies, which had resulted in the systematic influx to Guam of outside immigrants and settlers, constituted a major obstacle to the genuine exercise of self-determination by the Chamorro people.

11. OPI-R welcomed the statement in paragraph 9 that the Plan of Action of the International Decade for the Eradication of Colonialism could not be concluded by the year 2000, because the push to achieve that goal was leading to unsatisfactory compromises. It also welcomed paragraph 10, but felt that the peoples of the Territories concerned should also have a voice in developing a framework for the implementation of the provisions of Article 73 of the Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples for the period beyond the year 2000.

12. Turning to part B, section VI of draft resolution VI, he said that, with regard to the third preambular paragraph, Guam must remain on the list of Non-Self-Governing Territories until it had attained the decolonization status chosen through the self-determination of the Chamorro people. With regard to the fourth preambular paragraph, no negotiations had taken place for some time concerning the status of Guam, and the draft Guam Commonwealth Act had been shelved for 11 years.

13. In paragraph 1, the word "requests" had replaced the phrase "calls upon"; he wondered whether there was any significance to that change. OPI-R emphatically opposed paragraph 2. It was unaware of any negotiations taking place in relation to the expressed will of the Chamorro people, and was gravely concerned about the distinction made between the Chamorro people and the so-called "people of Guam". The Chamorro people were the people of Guam.

14. In paragraph 6, the addition of the words "noting the special role of the Chamorro people in Guam's development" was a stratagem by the United States of America to have the Committee believe that the Chamorro people were merely an indigenous people in the Territory.

15. The land issue was another very important issue. A coalition of Chamorro organizations would be attempting to obtain its land through whatever means were necessary.

16. *Mr. Lujan withdrew.*

Question of Western Sahara

17. *At the invitation of the Chairman, Mr. Boukhari (Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro) took a place at the petitioners' table.*

18. **Mr. Boukhari** (Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO)) said that for 24 years, the Saharan people had struggled against the Moroccan occupier to achieve their freedom and national independence, at the cost of a large number of innocent lives. Yet they had not lost faith that the United Nations would assume its responsibility to put an end to the unjust war that fostered insecurity and instability throughout the region and was contrary to the international interest and to the purposes and principles of the United Nations.

19. Under the settlement plan proposed by the United Nations and the Organization of African Unity (OAU) in 1988, a referendum should have been organized in 1992. To date it had still not been held because of Morocco's decision to change the original peace plan with the clear objective of transforming the referendum on self-determination into a plebiscite so as to permit an electoral body comprised of Moroccan citizens to confirm that Western Sahara was part of Morocco.

20. The Houston agreements provided for the organization of a referendum in late 1998. Morocco's demand for a revision of the agreements had halted the progress being made by the United Nations Mission for the Referendum in Western Sahara (MINURSO) to finalize the identification of potential voters, leading to a new impasse in the implementation of the settlement plan.

21. The package deal proposed by the Secretary-General of the United Nations took into consideration the Moroccan demands while reaffirming the rigour and transparency of the entire voter identification process. The Frente POLISARIO, again showing flexibility and cooperation, had accepted the proposals, but Morocco had demanded changes, while at the same time obstructing the signing of the status of forces agreement and the conduct of demining operations. It was clear from the report of the Secretary-General (S/1999/875) that Morocco was not satisfied and had made numerous complaints and accusations against MINURSO.

22. Under the Houston agreements and the protocols, MINURSO had resumed the identification process; however, Morocco's decision to submit some 74,000 appeals for review was intended to make the process interminable, even though the Security Council, in resolution 1238 (1999), had reaffirmed the rights of the applicants, with an expectation that the appeals process would not be turned into a second

round of identification. If the Security Council and MINURSO did not oppose the strategy of delay in an effective and timely manner, the referendum risked being postponed beyond the year 2000. That would mean an unjustifiable drain on the financial resources of the Organization, and on its capacity to deal with what was clearly a deliberate action.

23. One of the most decisive factors for the credibility of the referendum was the degree of security and freedom of voters. Since the beginning of the occupation of Western Sahara, Morocco had been waging a fierce campaign of repression against the Saharan people, as various governmental and non-governmental organizations, ranging from the United States State Department to Amnesty International, had attested. Repression was taking place with absolute impunity, since the Territory was closed to independent observers. The repression had reached its peak in September 1999 when, in occupied Laayoune, units of the special police forces, accompanied by militias of Moroccan colonists, had spread terror among the Saharan population. The parallel with the events in East Timor was evident. Terror, assaults and looting had taken place despite the fact that the United Nations had a mission whose headquarters were located in Laayoune itself.

24. The United Nations must act with determination to oppose the Moroccan strategy of either securing a fraudulent composition of the electorate or extending the deadlines indefinitely. The experience of East Timor demonstrated that the United Nations could and should conclude its decolonization agenda, and that the international community should put in place, in a timely manner, efficient mechanisms to protect the people who were the subjects of a referendum on self-determination, both before and after the vote, and to ensure that the results were respected.

25. The prolongation of the Moroccan occupation was unjustified; it ran counter to the supreme interest of regional and international peace and was incompatible with Morocco's professions of faith in democracy. Morocco must accept the verdict of the Saharan people in a just and free referendum. The Saharan people were a historical, political and diplomatic reality, and were prepared to be a stable and reliable partner, open to fruitful cooperation with all nations of the world and first of all with their neighbours.

26. *Mr. Boukhari withdrew.*

27. *At the invitation of the Chairman, Mr. Orfila (Federación Estatal de Instituciones Solidarias con el Pueblo Saharaui (FEDISSAH)) took a place at the petitioners' table.*

28. **Mr. Orfila** (Federación Estatal de Instituciones Solidarias con el Pueblo Saharaui (FEDISSAH)) said that his organization's desire to address the Committee on the question of Western Sahara reflected the mounting support of the municipalities and people of Spain for the Saharan people's struggle for justice and self-determination. However, they were aware that their actions, regardless of how positive the results might be, could not in themselves ensure that the Saharan people would be able to choose freely between independence or becoming a part of the Kingdom of Morocco.

29. The delay in carrying out the referendum scheduled for 1992 had dashed the hopes for peaceful dialogue raised by the Security Council's approval of the peace plan in 1991, and threatened to provoke a return to armed conflict. While the subsequent appointment of Mr. James Baker as special representative of the Secretary-General had opened new possibilities for resolution of the problem, the numerous delays in the implementation of the peace plan, and the obstacles repeatedly thrown up by the occupying Power with the intent of paralysing the process had smothered the expectations surrounding the Houston accords.

30. Numerous problems had arisen regarding the identification of voters qualified to take part in the referendum; as a result, the referendum, currently proposed for 31 July 2000, would have to be postponed yet again. Likewise, a satisfactory resolution had yet to be found for the question of the Saharans detained or missing, some for more than 16 years, in the zone occupied by Morocco. Only international pressure could end the situation, and he urged the United Nations to assume the fundamental role it must play in that regard.

31. The peaceful resolution of the Saharan question depended on the implementation of the Houston accords and on respect for the settlement plan, which would allow the referendum to be held under fully democratic conditions. It was essential that freedom of movement should be guaranteed for all Saharans throughout the territory of Western Sahara and that the entire referendum process should be transparent. As the recent events in East Timor had clearly shown, it was also incumbent on the United Nations to guarantee the presence of international observers and representatives of the communications media so as to ensure such transparency.

32. In order to uphold the principle that only the Saharans themselves should decide their future, scrupulous adherence to the voter identification criteria must be maintained at all costs in the referendum. The enormous number of appeals had raised the possibility of a desire to modify the

established criteria, and the United Nations would have to be able to convince the Saharan people and the international community of the genuineness of the census if the referendum were to have any claim to legitimacy. The United Nations had a vital role to play in ensuring that in making their choice, whatever that choice might be, the Saharans would be free of the threats and pressure that had characterized the recent referendum process in the former Portuguese colony of East Timor.

33. He therefore respectfully urged that the peace process should be allowed to continue without further delay, and that the absolute transparency of that process should be guaranteed by means of the presence of international observers and the communication media; moreover, ways must be found to finally resolve the matter of the Saharan disappeared, so that all Saharans, without exception, would be able to enter into a new age of freedom.

34. *Mr. Orfila withdrew.*

35. *At the invitation of the Chairman, Mr. Briones (International Association of Jurists for Western Sahara (IAJUWS)) took a place at the petitioners' table.*

36. **Mr. Briones** (International Association of Jurists for Western Sahara (IAJUWS)) said that the approximately 80,000 appeals against the voter lists for the referendum in Western Sahara would have the effect of making a second round of voter identification unavoidable. The right of appeal could not be allowed to override and paralyse, once again, the structure and development of the peace process; the identification commission of the United Nations Mission for the Referendum in Western Sahara (MINURSO) should resolve those appeals as a group.

37. Prior to the commencement of the transition period, it would be necessary to answer a number of difficult questions with regard to the identification phase: for example, how great an increase over the results of the 1974 census would be observed, and why a demographic census should be transformed into a supposedly ethnic census, given the lack of proof of Saharan origin of thousands of candidates proposed by the Moroccan authorities. All native Saharans would aspire to an independent Sahara that legitimized the historical status of the territory. The "manufacture" of Saharans for the purpose of tipping the results of the referendum towards integration with Morocco was an artificial innovation that had started after the military invasion of 1975.

38. A number of major events would also have to take place during the transition period in order to make possible a free, transparent and democratic referendum: the territory must be opened up, troops withdrawn, Saharan political prisoners released by the Moroccans and prisoners of war exchanged between the two sides, a final voter list published, the administration of the territory handed over to MINURSO, Moroccan laws that could obstruct a just referendum suspended in the territory, Moroccan paramilitary forces neutralized, and the more than 150,000 Saharan refugees repatriated.

39. While conditions had never been more favourable for peace in the region, MINURSO could be trapped by its own net of self-sufficiency. Would it be able to guarantee the true neutralization of the Moroccan paramilitary forces and to convert a police force that had been violating the basic human rights of people it had considered its subjects for 24 years into one for citizens who must freely decide on the future of their country? Would MINURSO be able to manage the transition from Moroccan authority to one based in the enormous infrastructure that Western Sahara would become as a result of the imminent referendum? Could it guarantee freedom of movement for all throughout the territory? And could the many actions taken by Morocco against the Saharan people be fairly overlooked, just because it had signed the Houston accords?

40. The international community must signal its neutrality by its acceptance of a democratic referendum, whatever the result. In that neutrality, it must not ignore what had occurred up to the present, but must continue to support MINURSO and enable it to assume full authority in accordance with the agreements. Thousands of Saharans in the occupied areas were enduring systematic repression, torture, forced disappearances and threats, while thousands of refugees returning to the freed zones had to pass through zones sown with 5 to 10 million anti-personnel landmines since 1975.

41. The Houston accords represented the commitment of their signers to creating a climate of peace and normalcy as the only means of assuring the freedom of the Saharan voters to express their will; moreover, the accords provided for free access to the territory and freedom of movement within it. Those privileges were to apply generally, not just to the voters in the referendum, or else the territory would be turned into a ghetto in which the Saharans' freedom to vote as well as their psychological attitude towards the referendum would be severely affected.

42. A tragic constant in the succession of States appeared to be taking shape, in which it was advantageous to the invader to exacerbate tensions within the non-autonomous territory it had invaded, thereby allowing it to obtain amnesty, following eventual independence, for crimes it had

committed during the occupation, maintain the presence and property rights of its colonists, and retain a share of political power in the new State while ensuring the friendliness of the new State toward the former invader.

43. The United Nations faced a unique opportunity in Western Sahara. Achieving the self-determination of the Saharan people would be an endorsement of the Organization's prestige as an actor in processes of greater depth and intensity and in establishing legal precedents.

44. **Mr. Snoussi** (Morocco) said that the petitioner, in his discussion of the "right of appeal" of candidates for the voter lists, had implied that any candidate rejected by the commission would have no right of appeal. Such rights of appeal had long been accepted and recognized by courts and other organizations, and he saw no reason why new ideas should be imposed on the Special Committee on Decolonization in that respect. He also expressed astonishment at the number of appeals cited by the petitioner, as that figure had not been previously made public. He noted that MINURSO officials and diplomats circulated completely freely in the so-called "closed territories", and he was unaware of any restrictions being put on their movements in any territory governed by Morocco. The petitioner also appeared to have completely ignored the fact that the settlement plan, while unfortunately not always fully implemented, nonetheless laid out a clear procedure for the preparation, implementation and follow-up of the referendum.

45. *Mr. Briones withdrew.*

46. *At the invitation of the Chairman, Mr. Lecoq (Mayor of Gonfreville-l'Orcher (France)) took a place at the petitioners' table.*

47. **Mr. Lecoq** (Mayor of Gonfreville-l'Orcher (France)) said that the resumption of efforts to identify Saharans qualified to vote in the referendum, combined with the visit of the Secretary-General to the Tindouf refugee camps in November 1998, represented a genuine hope for the many French associations, elected officials and private citizens concerned about the situation of Western Sahara and the United Nations peace plan. The Identification Commission had conducted its operations with independence and impartiality, despite a campaign of delaying tactics by the Moroccan side and virulent attacks on MINURSO by the Moroccan press and authorities. The nomination of a new Prime Minister and recent changes among the officials responsible for relations with MINURSO and for security did not appear to have brought about significant changes in the attitude of the Moroccan Government towards the question of Western Sahara.

48. **Mr. Snoussi** (Morocco), speaking on a point of order, said that the Special Committee on Decolonization was not a tribunal in which petitioners could criticize States. With all due respect to the petitioner, he did not concede to the petitioner the right to speak of his country in that manner.

49. **The Chairman** requested the petitioner to proceed, bearing in mind the objection just expressed by the representative of Morocco.

50. **Mr. Lecoq** (Mayor of Gonfreville-l'Orcher (France)) said that the unexpectedly large number of appeals of voter identifications lodged by the Moroccan side were a source of particular concern, and ran the risk of derailing the process of establishment of voter lists called for in the Houston accords. Those appeals had flooded the identification section and were intended to delay the work of the commission and thereby delay the holding of the referendum on self-determination for Western Sahara. Once again the Moroccan side was putting the settlement plan and, unless the United Nations and the international community maintained a firm approach, the peace of the region as well, at risk.

51. Alarming reports of police and civilian actions against Saharans in Laayoune had emerged during September 1998. MINURSO could not remain indifferent to such occurrences or to the serious violations of human rights being committed by the Moroccan authorities against the Saharan citizens of Laayoune. The time had come to implement the settlement plan and to bring Western Sahara under the sole authority of the United Nations.

52. *Mr. Lecoq withdrew.*

Question of New Caledonia

53. *At the invitation of the Chairman, Mr. Wamytan (Front de Libération National Kanak Socialiste (FLNKS)) took a place at the petitioners' table.*

54. **Mr. Wamytan** (Front de Libération National Kanak Socialiste) said that 1998 had marked a turning point in the political and institutional history of New Caledonia, with the signing on 5 May of the Noumea Accords between the Front de Libération National Kanak Socialiste (FLNKS), the Rassemblement pour la Calédonie dans la République (RPCR) and the Government of France. The French National Assembly and Senate had also voted overwhelmingly to amend the 1958 Constitution to include key elements of the Accords. Moreover, more than 72 per cent of the population of New Caledonia had voted in favour of committing the Territory to a gradual process of emancipation that would extend over 15 years. By their vote, the Kanaks together with other immigrant communities had demonstrated their desire

to turn the page of colonization and to build and share in a common destiny.

55. Since the referendum, new institutions had been established, including provincial assemblies, a congress, a government and a senate of customary leaders. An economic and social council was also to be created shortly. In the area of foreign relations, New Caledonia had just been granted observer status in the South Pacific Forum, following a long struggle spearheaded by FLNKS.

56. Unfortunately, the optimism of the people of New Caledonia had begun to fade following the elaboration of the Territory's organizational law. Indeed, FLNKS had had great difficulty in ensuring that RPCR and France respected the spirit and letter of the Noumea Accords, particularly with regard to the principle of restricting the electoral list for the provincial elections due to be held in 2004, 2009 and 2014. The French Constitutional Council had misinterpreted the Accords by extending the right to vote to anyone settling in New Caledonia after November 1998, on condition that they had been living there for 10 years. In view of the adverse impact of the Territory's settlement policy on Kanak nationalist claims during the preceding decades, numerous approaches had been made to the French Government, resulting in a new draft constitutional amendment on the subject that was to be submitted to the French National Assembly in early 2000. In addition, motivated by partisan interests and against the declared wishes of the people, RPCR had rejected some of the key provisions of the Noumea Accords. It had also concluded a separate agreement with a dissident faction of FLNKS for the implementation of their own version of the Noumea Accords. FLNKS had nevertheless remained in the Government in the hopes of convincing RPCR to respect both the spirit and the letter of the Noumea Accords.

57. Those political developments had had adverse consequences for the country, including a return to the "wait and see" attitude which had prevailed prior to the negotiations. Even more serious were the questions raised by the Kanak people about the slow-down in the process of decolonization and emancipation which had begun with the signing of the Accords and the danger which the political developments posed to peace and harmony between the communities. As the colonial Power, France should do everything in its power to ensure the faithful implementation of the Accords. It should also keep the United Nations informed about the situation in the Territory under its administration. In that connection, he wished to thank the French authorities for authorizing the visit to New Caledonia by a United Nations mission. The Territory should remain on the list of Non-Self-Governing Territories and, should the Committee of 24 be disbanded at the end of the International Decade for the Eradication of Colonialism, New Caledonia should be granted a special status within the United Nations so that the voice of its people could continue to be heard.

58. *Mr. Wamytan withdrew.*

Question of East Timor

59. *At the invitation of the Chairman, Mr. Saunders (Human Rights Watch and Amnesty International) took a place at the petitioners' table.*

60. **Mr. Saunders** (Human Rights Watch and Amnesty International) said that the challenges facing East Timor were monumental. Virtually the entire population had been uprooted, and those who had not been forcibly expelled to West Timor would need basic humanitarian assistance until they could rebuild their homes and return to work. East Timorese, working with the United Nations, would need to take over many of the key administrative and professional positions previously held by Indonesians prior to the 30 August referendum. Courts and a law enforcement system also needed to be rebuilt in order to lay the foundation for the rule of law in East Timor. Also essential were a secure border with Indonesia and a population that was secure in the knowledge that the campaign of terror that had been waged for so long by the Indonesian army and armed militias had finally come to an end.

61. Significant obstacles remained. The first danger was the likelihood of an effort on the part of the militias to partition East Timor by declaring at least six western districts a pro-integration zone controlled by the militias. Key pro-integration figures had made it clear that they intended to mount a campaign for partition and would be sending militia forces in from West Timor to do so. The militia leader João Tavares had announced a plan to relocate in the six districts all of the pro-integration forces of West Timor. If allowed to take place, such a de facto partitioning could have serious consequences for the political stability of an independent East Timor. Another complicating factor was that many East Timorese might have claimed links to pro-integration organizations as a way of ensuring their safety. Given the complicity between some local government officials in West Timor and the militia leaders, who had free run of the refugee camps, all refugees should be protected from having to register with any Indonesian agency. The return of the East Timorese must be supervised by the Office of the United Nations High Commissioner for Refugees (UNHCR) and other international humanitarian agencies to ensure that they were not subjected to intimidation by the militias in the camps. Upon the return of the refugees, the humanitarian agencies together with the Multinational Force

in East Timor (Interfet) and the United Nations Mission in East Timor (UNAMET), should take responsibility for their safety.

62. There was no reason to believe that the role of the Indonesian army in East Timor would end if and when the People's Consultative Assembly in Jakarta endorsed the results of the 30 August referendum and East Timor began the transition to independence. In fact, the regional military command, which had been based in Dili, was planning to move to Ende, on the island of Flores. Since there was no reason for the establishment of an army post at Ende, there was concern that, like West Timor, Ende could become a centre of pro-integration military activity.

63. Concerning the need for full accountability, Human Rights Watch and Amnesty International welcomed the decision of the United Nations Commission on Human Rights to establish an international commission of inquiry into alleged violations of humanitarian law in East Timor. It was critical that those responsible for the wreckage of East Timorese lives and land should be brought to justice. He hoped that the Commission would receive the full support of all Member States, and urged all of them, including Indonesia, to cooperate fully with the inquiry, even though the Government of Indonesia had publicly rejected cooperation thus far. Determining the truth about the crimes committed in the context of the consultation process was an essential step towards peace and reconciliation in East Timor.

64. *Mr. Saunders withdrew.*

65. *At the invitation of the Chairman, Mr. Nashidik (Indonesian Association for Legal Aid and Human Rights) took a place at the petitioners' table.*

66. **Mr. Nashidik** (Indonesian Association for Legal Aid and Human Rights) said that the violation of their human rights for over 24 years was a major factor in the rejection of Indonesia by the East Timorese. The vote in favour of independence had been overwhelming, despite the attempts by the Indonesian military and its militia proxies to frustrate the exercise of a fundamental human right and to predetermine its outcome by force. It should be noted also that the Indonesian military had defied their own President and the international community. The military's systematic use of terror was a slap in the face of the United Nations, its principles and processes and its principal organs, including the Secretary-General and the Security Council.

67. Dili and other towns had been destroyed and even those East Timorese who had fled to West Timor or were already residing in other parts of Indonesia had been subjected to intimidation by the army and the militias. The Committee should take all necessary measures to protect all East Timorese from danger. His organization was particularly concerned at the fate of the some 200,000 East Timorese who had been displaced to West Timor, many of whom faced the imminent prospect of permanent relocation to other parts of Indonesia.

68. The festival of torture perpetrated by the Indonesian armed forces in East Timor should be seen as a display of terror for the purpose of creating fear in the Indonesian people, especially those of Aceh and West Papua, and dissuading them from aspiring to the right to self-determination. East Timor, however, had never legally been a part of Indonesia, although during the previous 20 years the fate of the two peoples had been united by the same history of the Indonesian army's atrocities.

69. The independence of the East Timorese people meant primarily that they had been liberated from those atrocities. All efforts by the Indonesian armed forces to cancel the independence of East Timor must therefore be noted by the United Nations and the international community. Such attempts were an ideological manifestation of a well-trained military organization doing its best to maintain its domination of Indonesian society. There was no guarantee that all covert army operations in East Timor would be terminated, even after the People's Consultative Assembly of Indonesia ratified the results of the referendum. Indeed, plans to move the military command from Dili to Ende, on the island of Flores, should be taken very seriously, since Ende could become another command centre for the pro-Jakarta militias, who had already pledged to divide East Timor into two territories. The international peacekeeping forces should therefore be given a clear mandate to protect the security of the East Timorese people.

70. He welcomed the establishment of an international commission of inquiry to compile reports of crimes against humanity committed by the pro-Indonesian militias in collaboration with the Indonesian military and police. The commission should secure the establishment of an ad hoc international tribunal on East Timor, as a logical consequence of Security Council resolution 1264 (1999). Failure to bring the perpetrators to justice would continuously feed the victims' sentiments of disappointment and suffering, and reconciliation among the East Timorese people and between them and Indonesia would never be achieved.

71. *Mr. Nashidik withdrew.*

72. *At the invitation of the Chairman, Mr. Scheiner (International Federation for East Timor) took a place at the petitioners' table.*

73. **Mr. Scheiner** (International Federation for East Timor) said that the International Federation for East Timor (IFET) had organized the largest international observer mission for the East Timor consultation. It had planned to stay in East Timor to observe and assist during the transition period, but the rapidly escalating violence had forced the evacuation of the last 60 of its volunteers. IFET was grateful for the attention which the United Nations had paid to East Timor in 1999 and welcomed the Secretary-General's proposals for a United Nations transitional authority in East Timor.

74. IFET continued to be troubled, however, by a number of developments, most of which stemmed from three fundamental errors by the United Nations. First, the Organization had failed to listen to the East Timorese people, whose knowledge and observations, if heeded, would have averted the current disaster. Second, it had given the Indonesian Government legal power over every step of the process, even down to the details of humanitarian aid and repatriation. Lastly, it had accepted the Indonesian military and police as legitimate in East Timor and a neutral force for peace and security.

75. The massive bloodshed and displacement that had been inflicted since the vote had been expected and avoidable. From the very beginning, IFET had voiced concern to the United Nations at the threat of a bloodbath instigated by the military and the militias if the East Timorese voted in favour of independence. It had recommended that the international community should work diligently through the United Nations to broaden the mandate of UNAMET as it related to security and to increase the number of United Nations security personnel in East Timor significantly prior to the 30 August vote. Within three days of the announcement of the results of the referendum, virtually all international personnel, including the observers of IFET, had fled the territory, leaving the East Timorese people to be massacred, driven into the mountains or kidnapped and held hostage in Indonesia.

76. Throughout its time in East Timor IFET had observed crimes by the militia, police and Indonesian military, and it was clear that the terror which they had inflicted on the civilian population had been the intentional result of a coordinated campaign. His organization was eager to share its evidence with any international agency investigating or prosecuting the crimes against humanity committed in East Timor.

77. Currently, the majority of East Timorese were hiding in the mountains, in flight from areas still under Indonesian control. Meanwhile, diplomats spoke of sovereignty and cooperation and made excuses for Indonesia's military and civilian leadership. Major-General Cosgrove wished to disarm the Fuerzas Armadas de Liberaçao Nacional de Timor Leste (FALINTIL), while allowing the Indonesian armed forces to keep their weapons. FALINTIL and the Conselho Nacional da Resistencia Timorense (CNRT) had shown tremendous restraint, declining military engagement and trusting, perhaps naively, in the United Nations. IFET supported efforts to investigate crimes against humanity committed in East Timor and Indonesia and to hold accountable those who were directly responsible.

78. While justice was important, however, it was even more urgent to prevent further crimes. IFET therefore wished to make the following recommendations to the Committee and the international community. The United Nations should immediately assume responsibility for security and government in all of East Timor, which must remain undivided. All Indonesian troops and police should be withdrawn without delay. The United Nations should respect the mandate of the East Timorese and use their human resources, including FALINTIL, not only because that would be democratic but also in order to avoid repeating the disastrous misjudgments which it had made over the previous six months. The hundreds of thousands of East Timorese who had been kidnapped and taken to Indonesia must be given immediate international humanitarian and human rights assistance. Appropriate United Nations agencies should assume responsibility for their care and return to East Timor, and journalists, aid workers and others must have unrestricted access to all camps. All Indonesian military and police personnel in East Timor should disarm and leave. Militia leaders and soldiers, many of whom were army personnel in other uniforms, should pull back to Indonesia with the rest of the military, and those who remained in East Timor should be apprehended and held by Interfet. The full force of the United Nations machinery for investigation and prosecution should be mustered against those responsible for crimes against the people of East Timor. Those at the top of the chain of command must not escape with impunity. Lastly, members of the international community, especially the members of the Security Council, should be held responsible for ignoring warnings that the Indonesian military planned massive atrocities if voters opted for independence.

79. *Mr. Scheiner withdrew.*

80. *At the invitation of the Chairman, Mr. Guterres (Conselho Nacional da Resistencia Timorense) took a place at the petitioners' table.*

81. **Mr. Guterres** (Conselho Nacional da Resistencia Timorense) said that, despite the terror launched against the people of East Timor by the Indonesian armed forces disguised as Timorese militants, more than 90 per cent of registered voters had voted in the referendum of 30 August. The overwhelming vote for independence had given the Conselho Nacional da Resistencia Timorense (CNRT), which was an umbrella organization committed to democratic values and principles, legitimacy to deal with the United Nations and the international community in order to fill the vacuum in the administration and to rebuild East Timor following the destruction wrought by the Indonesian army. CNRT appealed to the international community to increase its emergency aid to all East Timorese and to return to their ancestral land all those who were in Indonesian concentration camps in West Timor and other islands. The dichotomy of pro-autonomy or pro-independence Timorese was a thing of the past and what was now needed was to construct together a free, democratic and pluralistic country. CNRT appealed to those Timorese who had participated in crimes against their own people to cooperate fully with the United Nations commission of inquiry.

82. The acts of barbarism and vandalism committed by the Indonesian armed forces had destroyed not only human lives and buildings in East Timor but also the image of Indonesia and the honour of its people. The Indonesian armed forces should therefore cease their crimes in East Timor and cooperate with the commission of inquiry. For his part, the President of CNRT, Mr. Xanana Gusmão, was prepared to meet with the multinational force commanders to decide on future cooperation. As an independent country, East Timor would join regional organizations and reinforce its historic and cultural links with the Portuguese-speaking countries. CNRT was encouraged by the commitment of various countries and institutions, and of Portugal in particular, to help in the rebuilding of East Timor. It was very conscious of the need to establish a new relationship with Indonesia and its other neighbours. Finally, it was determined to build for future generations a better future based on democracy, sustainable development and human rights.

83. *Mr. Guterres withdrew.*

84. *At the invitation of the Chairman, Mr. Senna (Providence Journal Bulletin) took a place at the petitioners' table.*

85. **Mr. Senna** (Providence Journal Bulletin), speaking on his own behalf, welcomed the Indonesian Government's agreement to authorize the repatriation of the East Timorese refugees who had fled to West Timor, which seemed to contradict the allegation that they had been forcibly deported by that same Government. In that connection, political grandstanding from international supporters and partisans of the East Timorese independence movement should be set aside in favour of providing swift emergency assistance to the refugees. In the light of the new responsibilities arising out of the August referendum, the main burden of providing administrative relief and security now fell on the multinational force in East Timor and the United Nations, which should work with the Indonesian Government in assisting the East Timorese people.

86. Death toll figures cited by the Associated Press supported his belief that the early reports of massacres committed by the militia in conjunction with the Indonesian army were either greatly exaggerated or false. Similarly, all the claims of human rights violations and war crimes currently being investigated should be treated as allegations until verified. In view of the regional tensions existing between Indonesia and Australia, the creation of a United Nations transitional administration and peacekeeping force in East Timor would be the best means of advancing the transition of East Timor province to an independent State, which should preferably be accomplished within a matter of weeks with a view to avoiding further incidents between Australian troops and the militia.

87. Indonesia was no more responsible for the outcome of the referendum than Portugal, the former colonial Power which had abandoned the province 10 years earlier, leaving behind none of the economic infrastructure subsequently established by Indonesia. It was now time, however, to leave recriminations behind and work together to finalize the process of independence for the province of East Timor as it took its place among the world's sovereign nations.

88. *Mr. Senna withdrew.*

89. **Mr. Thayeb** (Indonesia) noted with concern that the negative approach adopted by certain petitioners with a view to promoting narrow self-serving agendas was not conducive to the implementation of the Agreements reached on 5 May 1999 between the Governments of Indonesia and Portugal and the United Nations. His Government's concrete actions reflected its sincere desire to part ways with East Timor in an honourable, peaceful, safe and orderly manner in accordance with the outcome of the popular consultation, to which it would not have agreed if it had not been willing to listen to the East Timorese people. Nor would it have invited the international community to assist in restoring conditions of normalcy if it had no intention of honouring the results

of that consultation. It therefore continued to cooperate fully with the United Nations while awaiting implementation of the next phase of the Agreements.

90. He wished to share with delegations the information that a member of the International Federation for East Timor, which was represented by one of the petitioners, had been arrested in Irian Jaya for engaging in illegal political activities, thus abusing the visa which he had been granted in good faith to enable him to carry out duties in connection with the popular consultation. It was therefore his view that the Committee should exercise caution in allowing politically motivated organizations to use its forum for purposes of extraneous activities directed against a State Member of the United Nations.

Agenda item 18: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items) (*continued*) (A/54/23 (Part II), chaps. VI, IX-XI, A/54/23 (Part III), chap. XIII (D-F, H), A/AC.109/1999/1, A/AC.109/1999/3-9, A/AC.109/1999/11, A/AC.109/1999/13-18)

Agenda item 92: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (*continued*) (A/54/23 (Part II), chap. VIII, A/54/23 (Part III), chap. XIII (A), A/54/343

Agenda item 93: Economic and other activities which affect the interests of the peoples of Non-Self-Governing Territories (*continued*) (A/54/23 (Part II), chap. V, A/54/23 (Part III), chap. XIII (B))

Agenda item 94: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (*continued*) (A/54/3, chap. VII, sect. D, A/54/23 (Part II), chap. VII, A/54/23 (Part III), chap. XIII (C), A/54/119, E/1999/69)

Agenda item 12: Report of the Economic and Social Council (*continued*) (A/54/3, chap. VII, sect. D)

Agenda item 95: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (*continued*) (A/54/267)

91. **Ms. Smith** (United Kingdom) said that over the past year, her Government had made further progress in its efforts to transform its relationship with its overseas Territories into a fully modern partnership, based on four fundamental principles: self-determination; mutual obligations; freedom for the Territories to run their affairs to the greatest degree possible; and a firm commitment from the United Kingdom to help the Territories economically and to assist them in emergencies.

92. Among the measures being taken was the decision to offer British citizenship and the right of abode to those people of the overseas Territories who did not already enjoy it, thus meeting a long-standing request of the peoples of the Territories. Additional steps had been taken to encourage good governance in the Territories, through improved regulation of financial services to meet internationally acceptable standards. Enhanced measures were also being studied to combat drug trafficking, and to encourage reform of local legislation in some Territories to comply with the same standards of human rights as the United Kingdom. The United Kingdom would also continue to support strengthened measures and devote greater resources for sustainable economic development and environmental management and protection in the overseas Territories.

93. Those efforts clearly demonstrated her Government's continuing firm commitment to a new and strengthened relationship with the Territories, and its serious view of its responsibilities under the Charter of the United Nations. For the United Kingdom, the wishes of the peoples concerned, exercised in accordance with the other principles and rights set out in the Charter of the United Nations and in other international treaties, were of paramount importance. The United Kingdom had always affirmed that it was prepared to consider any proposals about their future put forward by the peoples of the Territories themselves. Self-determination thus remained one of the fundamental principles which guided her Government's relationship with the Territories. Her Government therefore found it regrettable that the Special Committee on Decolonization continued to apply that principle selectively.

94. The United Kingdom warmly welcomed the Special Committee's decision to undertake a critical review of its programme of work and methods, and in particular its steps to reopen a process of informal consultations with the administering Powers, and the initiative to consider ways of ascertaining the wishes of the peoples of the Non-Self-Governing Territories, which could ultimately lead to the removal of the Territories from the Committee's list.

95. Her delegation was confident that, as the Committee explored more directly the position in the United Kingdom's Non-Self-Governing Territories and the views of their peoples, it would become clear that "colonial" status was no longer an accurate description of their situation; it hoped that, as that process developed, the remaining

misconceptions, anachronisms and blind spots in the resolutions on decolonization would also disappear.

96. **Mr. Ortique** (United States of America) said that, although important work remained to be done in the field of decolonization, much had already been accomplished; since the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, over 60 former colonial territories had exercised self-determination and joined the United Nations as sovereign members. While continuing to believe that the standards applied in General Assembly resolutions 1514 (XV) and 1541 (XV) were too narrow, his country offered its full support to countries which chose independence. Equally, it supported the right of people in Non-Self-Governing Territories to a full measure of self-government, if that was what they chose. Reaffirming his respect for the rights of self-determination, he called on the Committee members to respect similarly the choices made by the residents of Non-Self-Governing Territories, and stressed that no single standard of decolonization applied to every Territory.

97. At the close of the International Decade for the Eradication of Colonialism, tremendous political, economic and social progress had occurred and was still occurring in the lives of the residents of the Non-Self-Governing Territories; his country accordingly questioned the applicability of the term "non-self-governing" to those in a position to take steps such as establishing their own constitution, electing public officers and choosing their own economic path. It applauded the recognition of different paths to development and hoped that Committee members would join it in recognizing that the presence of outside economic and military interests in Non-Self-Governing Territories, far from being detrimental to the interests of those Territories or their peoples, formed the basis of partnership between a region and the outside world. In that connection, each case should be considered on its own merit. Lastly, he shared the sentiments expressed by the representatives of China and the United Kingdom concerning the efforts of the Chairman of the Special Committee on Decolonization to revitalize the Committee's work with the administering Powers, which boded well for achieving the goal of eradicating colonialism.

98. **Mr. Haque** (Pakistan) said that the principles contained in the Declaration on the Granting of Independence to Colonial Countries and Peoples continued to be sacrosanct and must be upheld with a view to eliminating the menace of colonialism, illegal occupation and the subjugation of people. The increase in the membership of the United Nations from 51 to 188 indicated the success of the struggles waged for the right to self-determination and independence.

99. He hoped that the successful conclusion of the popular consultation process in East Timor would serve as an example for resolving similar problems in other areas where people were under occupation. He also hoped that the revised schedule which had been proposed for conducting a referendum in Western Sahara would enable the people to express their wishes about their future and that the commitment of the French and New Zealand Governments to respect the wishes of the people of New Caledonia and Tokelau respectively, as freely expressed, would lead to the establishment of self-rule in those Territories. Progress in the remaining 13 Non-Self-Governing Territories, however, had been agonizingly slow. The international community should therefore intensify its efforts to eradicate colonialism and foreign occupation. He did not accept the claim made by some administering Powers that the peoples in the Territories did not wish to sever ties with them. As a first step to ensuring that such peoples were able to exercise freely their right to self-determination, the administering Powers should, without preconditions, cooperate fully with the United Nations by receiving visiting missions in the Territories to obtain information about the prevailing conditions, cooperate with the Decolonization Committee to facilitate the decolonization process, foster awareness of the right of self-determination in the Territories, abandon all military activities in the Territories, and strengthen economic conditions there by diversifying their economies and allowing greater participation of the people.

100. It was deeply regrettable that the right of self-determination continued to be denied to the Kashmiri people, who had been under Indian occupation for over 50 years. Kashmir was kept under subjugation by over 650,000 Indian troops, rape was used as a strategy of war, and custodial deaths, arbitrary arrests, summary executions and disappearances were routine occurrences. The situation was similar to that in East Timor, and the international community should respond differently to it. The decolonization process would be incomplete unless the inalienable right of all peoples under colonial rule and foreign occupation was recognized, and the international community should continue to make consistent and determined efforts, without distinction, to rid the world of all forms of those scourges.

101. **Ms. Chua** (Singapore) commended the enormous contributions made by the United Nations in encouraging the aspirations of dependent peoples and setting goals and standards to accelerate their attainment of independence. It was, however, a matter for concern and disappointment that

the Plan of Action for the International Decade for the Eradication of Colonialism would not be concluded by the year 2000, as planned. In her delegation's view, the inability to meet the deadline was due to the complexities involved in the decolonization process, rather than to any lack of will to end colonialism. It was therefore important to retain sight of the ultimate goal of a world free of colonialism, in which connection she hoped that the Special Committee would continue its undaunted commitment to work closely with the administering Powers to end the last vestiges of the colonial era.

102. She reiterated the view of the Association of South-East Asian Nations (ASEAN) that the decolonization process was a multifaceted one, involving political measures as well as social and economic development efforts. She therefore welcomed the Special Committee's recommendation that due attention should be given to the specific problems of small island Territories, whose economies were rendered particularly vulnerable by various economic, environmental and geographic factors. As a small island State, Singapore believed that human resource development was vital for economic and social progress, and its turn had now come to provide other developing countries, including the Non-Self-Governing Territories, with the kind of technical assistance which it had been fortunate to receive during its own early days of development. Such assistance was formulated under a special cooperation programme, in which numerous officials from the Territories had already participated, that formulated technical assistance activities to match the training needs of the recipient economies. She hoped that that programme would enable participants from the Territories to become catalysts for growth and effective agents for change in their countries with a view to achieving greater self-reliance in their development efforts. With that in mind, Singapore would continue to expand its technical assistance and further share the positive aspects of its own development experience with the Territories and other developing countries.

103. **Mr. Anbuge** (Iraq) said that, despite its many achievements, the decolonization process remained incomplete; given that 17 Territories were still not self-governing and their inhabitants had still not exercised their right of self-determination, the United Nations should multiply its efforts to achieve its goal of eradicating colonialism by the end of the year 2000. To that end, the Special Committee should be directly informed of the aspirations of the inhabitants of those Territories by means of visiting missions and seminars. Meanwhile, the administering Powers should further the social and economic development of the Territories, in addition to preserving their cultural character, taking environmental protection measures and addressing crime-related problems, while also complying with Article 73 *e* of the Charter of the United Nations.

104. Military bases and facilities established by colonial Powers in the Territories under their administration should be immediately destroyed, as they impeded the exercise by the peoples in those Territories of their right of self-determination. The Territories and their surrounding areas must not be used for nuclear testing, the burial of nuclear waste or the proliferation of weapons of mass destruction.

105. His delegation reaffirmed its support for the legitimate rights of Argentina concerning full sovereignty over the Falkland Islands (Malvinas) and fully rejected all attempts to move settlers onto colonized land. It also supported the aspirations of the peoples of Guam and Puerto Rico to realize the right to self-determination and independence.

106. Colonialism was now re-emerging under new guises; a minority of wealthy States were exercising control over developing countries, using a variety of methods to achieve their narrow political aims. The comprehensive sanctions against Iraq, aimed at imposing the political will of the United States, constituted a blatant example of such methods. An overall approach should therefore be adopted to combat and eradicate all forms of colonialism and build a world founded on the principles of justice, equality, the universal right to development and self-determination and the preservation of the cultural and intellectual identity of all peoples.

The meeting rose at 6.25 p.m.